



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

7C-2700
Dep of the PTO
PATENT

APPLICANTS: David Alumot et al.

SERIAL NO.: 08/984,558

FILING DATE: December 3, 1997

TITLE: TWO-PHASE OPTICAL INSPECTION METHOD AND APPARATUS FOR
DEFECT DETECTION

EXAMINER: A. Johns

GROUP ART UNIT: 2721

ATTY. DKT. NO.: 3154

RECEIVED

JUL 8 1999

07

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner For Patents, Washington, D.C. 20231, on the date shown below:

Dated: June 9, 1999 By: A.C. Smith
Albert C. Smith, Reg. No.: 20,355

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

RECEIVED

JUL 09 1999

ATTN: REFUND SECTION

REPLN. Ref: 01/05/2000 TJOHNS01 0009591100
DAH:192555 Name/Number:08984586 Publishing Division
FC: 704 \$130.00 CR Office of Finance Correspondence/Allowed Files (C5)

RECEIVED
JUL 09 1999
GROUP 1 704

REQUIREMENT FOR REFUND

Sir:

On August 6, 1998, the U.S. Patent & Trademark Office mailed a Notice of Incomplete Application (Exhibit A) regarding the application referenced above. Applicants filed a petition and petition fee on August 21, 1998 (Exhibit B). This petition also requested a refund of the petition fee. The Patent Office was responsible for the error. Subsequently, Applicants received a notice dated October 14, 1998 (Exhibit C) from the U.S. Patent & Trademark Office indicating that the Notice of Incomplete Application had been sent in error.

RECEIPT ACCOUNTING



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RECEIVED

#14

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
08/984,558	12/03/97	ALUMOT	BOARD OF PATENT APPEALS AND INTERFERENCES

1997 JUN 27 11 2 43

RECEIVED
DEC 8 1998
TELETYPE 2100

08/984,558 12/03/97 ALUMOT BOARD OF PATENT APPEALS AND INTERFERENCES

CHRISTOPHER M TOBIN
FENWICK & WEST
TWO PALO ALTO SQUARE
PALO ALTO CA 94306

0232/0806

RECEIVED

NOT ASSIGNED

AUG 11 1998

2721

DATE MAILED:

08/06/98

FENWICK & WEST LLP.

NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items, unless otherwise indicated, must be submitted within TWO MONTHS of the date of this Notice, or proceedings on the application will be terminated (37 CFR 1.53 (e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the items required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

1. The specification (description and claims):

a. is missing.
 b. does not include a written description of the invention.
 c. does not include at least one claim as prescribed by 35 U.S.C. 112.

A complete specification (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.

2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."

Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).

3. OTHER: _____

Additional observations on the above-identified application papers:

1. Pages _____ of the specification are missing.
 2. Figures _____ described in the specification are missing.

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

Enclosed:

"General Information Concerning Patents." See page _____.
 "Notice to File Missing Parts of Application," Form PTO-1532.
 "Checklist for Patent Applications."
 Other: _____

EXHIBIT
A

A copy of this notice MUST be returned with the reply.

Donal D. D. D.
Customer Service Center

Initial Patent Examination Division (703) 308-1202



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: DAVID ALUMOT, GAD NEUMANN, RIVKA
SHERMAN, EHUD TIROSH

SERIAL NO.: 08/984,558

FILING DATE: December 3, 1997

TITLE: TWO-PHASE OPTICAL INSPECTION METHOD
AND APPARATUS FOR DEFECT DETECTION

EXAMINER: Unknown

GROUP ART UNIT: 2721

ATTY. DKT. NO.: 3154

ASSISTANT COMMISSIONER FOR PATENTS
BOX MISSING PARTS
WASHINGTON, DC 20231

PETITION

Sir:

Applicants hereby petition to correct Patent Office errors in the
documentation of the patent application identified above.

Responsive to the Notice of Incomplete Application dated 08/06/98 (copy
enclosed) received in this application, the designation [1.a] that the Specification
(description and claims) is missing is clearly in error in view of both the return

EXHIBIT
B

postcard receipt (true copy marked Exhibit A, enclosed) and the first official Filing Receipt (Form PTO-103x, true copy marked Exhibit B, enclosed).

From the returned postcard, marked Exhibit A, there is indicated receipt by the U.S. PTO of 59 pages of Specification, Claims, and Abstract (and 41 sheets of drawings) on 12/03/97.

From the official filing receipt, marked Exhibit B, there is indicated a total count of claims = 26, and independent claims = 11 (and drawings = 40), evidently derived from the Specification and Claims that were received on 12/03/97. (A Request For Corrected Filing Receipt was subsequently filed to correct the count of drawings).

Therefore, the Notice of Incomplete Application (Form PTO-1123) is in error because the Specification (description and claims) was not missing as originally filed on 12/03/97. If missing now, attributable to Patent Office handling subsequent to the initial filing, that should be indicated differently than by imposing the burden on this Petition upon Applicants and jeopardizing the pending status of the subject application.

By this Petition, Applicants respectfully request:

- a) designation that all parts of the subject application, including the Specification (description and claims), were properly filed on 12/03/97 and therefore are not missing; and
- b) correction of the Patent Office error on the corrected filing receipt to indicate 41 drawings that were received as originally filed; and
- c) refund of the enclosed Petition fee.

A Petition fee of \$130.00 in accordance with 37 CFR §1.17(I) is enclosed, the refund of which, due to Patent Office errors, is requested to be credited to Deposit Account No. 19-2555. A duplicate copy of this credit authorization is enclosed.

Respectfully submitted,

DAVID ALUMOT, GAD NEUMANN,
RIVKA SHERMAN, EHUD TIROSH

Date: 8/21/98

By: A. C. Smith
Albert C. Smith, Regis. No. 20,355
Fenwick & West LLP
Two Palo Alto Square, Suite 700
Palo Alto, CA 94306
(415) 494-0600



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
--------------------	-------------	-----------------------	------------------------

08/984,558 12/03/97 ALUMOT

D 3154

0232/1014

CHRISTOPHER M TOBIN
FENWICK & WEST
TWO PALO ALTO SQUARE
PALO ALTO CA 94306

EXAMINER

NOT ASSIGNED

ART UNIT PAPER NUMBER

2721

RECEIVED

OCT 26 1998

DATE MAILED: 10/14/98

FENWICK & WEST LLP.

Letter Re: Correction of previous notice

Dear Sir:

Upon further review of the above identified application number, it is determined that the notice mailed on 08/06/98 was sent in error. The notice is hereby withdrawn.

The filing receipt will be mailed in due course.
 The proper notice is enclosed.

We apologize for the error and any inconvenience we may have caused you.

Sincerely,

C. M. Hayward
OIPE, Initial Patent Examination Division
(703) 308-1202

EXHIBIT
C

the Patent Office "Do not stamp" hereon and
please return to the addressee.

Case No.: 3154 Att/Sec: ACS/Srb Mailing Date: 08/21/98
Filed: 12/3/97 S/N: 08/984,558 Patent No.: _____
Applicant(s): David Alumot et al.
Title: Two-Phase Optical Inspection Method and Apparatus...

Transmittal Form
 Fee Transmittal (in duplicate)
 Response to Notice of Missing Parts
 Assignment & PTO-1595
 Declaration
 Small Entity Statement
 IDS & PTO-1449
 Copies of IDS Cited References
 Express Mail No.: _____
 Check in the Amount of \$ 130.00
 Other: Petition in dup.

THIS DOCUMENT HAS A COLORED BACKGROUND AND A SIMULATED WATERMARK ON THE BACK

FENWICK & WEST LLP
Two Palo Alto Square, Suite 800
Palo Alto, California 94306
415-494-0600

DRAWN ON
First Union National Bank
Chapel Hill, North Carolina

Bank of America Disbursement Account
68-158/531

DATE 08-21-98
CHECK NO. 2039379

PAY ONE HUNDRED THIRTY AND 00/100 DOLLARS

AMOUNT \$ 130.00

TO THE
ORDER OF COMMISSIONER OF PATENTS &
TRADEMARKS

Malas

10 2039379 10 05310156 10 2079900021367 10